

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

LARRY COLEMAN HICKS, #2270069 §
 §
Plaintiff, §
 §
v. § Case No. 6:23-cv-316-JDK-JDL
 §
BRYAN COLLIER, et al., §
 §
Defendant. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff, an inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 without paying the filing fee or moving to proceed *in forma pauperis*. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On June 27, 2023, the Magistrate Judge issued a Report recommending that the Court bar Plaintiff from proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) and dismiss this case subject to reinstatement if Plaintiff pays the filing fee within fifteen days of dismissal. Docket No. 3. A copy of this Report was mailed to Plaintiff, who has submitted a letter that the Court construes to be written objections to the Report. Docket No. 5.

The Court reviews the findings and conclusions of a Magistrate Judge de novo if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Plaintiff appears to challenge the finding that he is not in imminent danger, which would allow him to seek IFP status despite his litigation history. But like his complaint, his objection is an incoherent mess of clearly delusional ramblings, including an FBI plot on his life involving a porn star and her sister, President Biden's involvement in Plaintiff's efforts to obtain a patent, little grey aliens, and the involvement of members of this Court in a child molestation enterprise. Docket No. 5. As the Magistrate Judge explained, delusional allegations of this type cannot overcome the bar of Section 1915(g). *Jones v. Hutto*, No. 3:19-CV-1359-N-BN, 2019 WL 3307068, at *2 (N.D. Tex. June 11, 2019), *report and recommendation adopted*, No. 3:19-CV-1359-N, 2019 WL 3304791 (N.D. Tex. July 23, 2019). Moreover, Plaintiff is cautioned that further baseless, defamatory allegations against the judges of this Court in this or any other action here may result in the imposition of sanctions. *See* Fed. R. Civ. P. 11(c).

Having reviewed the record and Plaintiff's objections *de novo*, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. Accordingly, the Court hereby **OVERRULES** Plaintiff's objections and **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 3) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** with prejudice for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g)—but without prejudice as to the refiling

of the lawsuit with payment of the full filing fee or reinstatement of this case upon full payment within fifteen days of entry of this order. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **28th** day of **July, 2023**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE